

The Gazette



of India

EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

No. 23] NEW DELHI, MONDAY SEPTEMBER 2, 1963/BHADRA 11, 1885

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 2nd September, 1963/Bhadra 11, 1885 (Saka)

THE DADRA AND NAGAR HAVELI (CIVIL COURTS
AND MISCELLANEOUS PROVISIONS) REGULATION,
1963

No. 8 OF 1963

Promulgated by the President in the Fourteenth Year of the
Republic of India.

A Regulation to provide for the constitution of civil courts in
the Union territory of Dadra and Nagar Haveli and for
certain other matters.

In exercise of the powers conferred by clause (1) of article 240
of the Constitution, the President is pleased to promulgate the
following Regulation made by him:—

1. (1) This Regulation may be called the Dadra and Nagar Haveli
(Civil Courts and Miscellaneous Provisions) Regulation, 1963.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the Union territory of Dadra and
Nagar Haveli.

(3) It shall come into force on such date as the Central Government
may, by notification in the Official Gazette, appoint.

SUBORDINATE COURTS

2. (1) On and from the commencement of this Regulation, in addi-
tion to the courts established under any other law for the time being

Classes of
courts.

in force, there shall be in the Union territory of Dadra and Nagar Haveli (which shall be a district for the purposes of this Regulation)—

(a) a court of the District Judge; and

(b) a court of the Civil Judge.

(2) The District Judge and the Civil Judge shall be appointed by the Central Government after consultation with the High Court at Bombay (hereinafter referred to as the High Court).

Situation of courts.

3. The place at which any court under this Regulation shall be held may be fixed and may from time to time be altered by the Administrator of Dadra and Nagar Haveli.

Seal of the court.

4. Every court under this Regulation shall use a seal of such form and dimensions as are for the time being prescribed by the Central Government after consultation with the High Court.

Jurisdiction of courts of the District Judge and the Civil Judge.

5. (1) The court of the District Judge shall be the principal civil court of original jurisdiction in the district within the meaning of the Code of Civil Procedure, 1908.

5 of 1908.

(2) The jurisdiction of the court of the District Judge and the court of the Civil Judge shall extend to all original suits and proceedings of a civil nature.

(3) The court of the Civil Judge shall be subordinate to the court of the District Judge and subject to the general superintendence and control of the High Court, the court of the District Judge shall have general control over the court of the Civil Judge and its establishment, and the District Judge may give such directions with respect to matters not provided for by law as he may think necessary.

Appeals.

6. (1) Save as otherwise provided by any enactment for the time being in force, an appeal from a decree or order of the court of the District Judge shall lie to the High Court.

(2) An appeal from a decree or order of the court of the Civil Judge shall lie—

(a) to the court of the District Judge where the value of the original suit in which or in any proceeding arising out of which the decree or order has been made, does not exceed ten thousand rupees; and

(b) to the High Court in any other case.

Small cause jurisdiction of court

7. The Central Government may, by notification in the Official Gazette, confer within such local limits as it thinks fit, on the court of the Civil Judge the jurisdiction of a Judge of the court of Small

of 1887. Causes under the Provincial Small Cause Courts Act, 1887, for the trial of small cause suits up to such value not exceeding fifteen hundred rupees as the Central Government thinks fit, and may withdraw any jurisdiction so conferred of the Civil Judge.

8. (1) The High Court may, by general or special order, authorise the court of the Civil Judge to take cognizance of, and the court of the District Judge to transfer to the court of the Civil Judge, any proceeding or any class of proceedings specified in such order, under— Exercise by court of Civil Judge of jurisdiction of court of District Judge in certain proceedings.

8 of 1890. (a) the Guardians and Wards Act, 1890, or

5 of 1920. (b) the Provincial Insolvency Act, 1920, or

39 of 1925. (c) the Indian Succession Act, 1925.

(2) The District Judge may withdraw any such proceeding taken cognizance of by, or transferred to, the court of the Civil Judge and may dispose of it himself.

(3) Proceedings taken cognizance of by, or transferred to, the court of the Civil Judge shall be disposed of by it subject to the rules applicable to like proceedings in the court of the District Judge.

9. In the event of the death of the District Judge, or of his being incapacitated by illness or otherwise for the performance of his duties or of his absence from the station in which his court is held, the Civil Judge shall, without interruption to his ordinary duties, assume charge of the District Judge's office and shall discharge such of the current duties thereof as are connected with the filing of suits and appeals, the execution of processes and the like, and shall continue to be in charge of the office until the same is resumed or assumed by an officer duly appointed thereto. Temporary discharge of duties of District Judge.

10. The ministerial officers of the courts of the District Judge and the Civil Judge shall be appointed by the District Judge. Ministerial officers of courts.

11. (1) The courts of the District Judge and the Civil Judge shall have holidays on Sundays, New Year's Day, Good Friday and Christmas Day and such other days as may be sanctioned by the High Court. Holidays and vacation.

(2) The High Court may also permit the said courts to adjourn from time to time for periods not exceeding in the whole six weeks in each year.

25 of 1961 12. (1) The Advocates Act, 1961, as amended by sub-section (2), shall extend to, and come into force in, the Union territory of Dadra and Nagar Haveli. Extension of the Advocates Act, 1961.

Provided that the provisions of the said Act which have not been brought into force immediately before the commencement of this

Regulation in the areas to which the said Act extends shall come into force only on such date or dates as the Central Government may, by notification under sub-section (3) of section 1 of the said Act, appoint.

(2) In sub-section (1) of section 3 of the said Act,—

(i) in clause (a), the word "Maharashtra" shall be omitted;

(ii) after clause (c), the following clause shall be inserted, namely:—

"(cc) for the State of Maharashtra and the Union territory of Dadra and Nagar Haveli, to be known as the Bar Council of Maharashtra;"

Pending
proceed-
ings.

13. (1) Any proceeding of a civil nature pending in a court immediately before the commencement of this Regulation shall, on such commencement, be deemed to be transferred to the court exercising jurisdiction under this Regulation or the High Court in which the proceeding would have lain if it had been instituted after such commencement, and the court to which the proceeding is transferred or the High Court shall proceed to try, hear and determine the matter as if it had been pending therein.

(2) Any appeal from a decree or order passed by a court and not appealed against before the commencement of this Regulation shall lie to the court exercising jurisdiction under this Regulation or the High Court to which such appeal would have lain if it had been preferred after such commencement.

(3) Any decree or order passed before the commencement of this Regulation by any court shall be deemed for the purpose of execution to have been passed by the court exercising jurisdiction under this Regulation which corresponds, so far as may be, to the jurisdiction of the court which passed the decree or order or, as the case may be, by the High Court:

Provided that nothing in sub-section (1) or sub-section (2) shall be construed as extending the period of limitation to which any suit or appeal or application may be subject.

Power to
remove
difficulties.

14. If any difficulty arises in giving effect to the provisions of this Regulation, the Central Government may, by order in the Official Gazette, make such provisions as appear to it to be necessary or expedient for the removal of the difficulty.

S. RADHAKRISHNAN,
President.

R. C. S. SARKAR,
Secy. to the Govt. of India.